

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLANE NEELY aka WALTER MITCHELL

CIVIL ACTION

v.

SIX CONTINENTS HOTEL, INC.
AND HOLIDAY INNS, INC. et al

No. 02-CV-3890

ORDER

AND NOW, this 10th day of February 2003, plaintiff's motion to file a second amended complaint is granted; defendant's motion for judgment on the pleadings is dismissed as moot without prejudice to refile as to the second amended complaint. ¹

Edmund V. Ludwig, J.

1 . On January 15, 2003, counsel was appointed to represent plaintiff. Defendants contend that the second amended complaint should not be allowed because the statute of limitations has run. Given that the complaint alleges civil conspiracies and that statute of limitations for civil conspiracies runs separately for each overt act causing damage, Bougher v. University of Pittsburgh, 882 F.2d 74, 80 (3d Cir.1989), the second amended complaint is not clearly futile and defendants will not be prejudiced by allowing a filing of the second amended complaint by appointed counsel.